

# DEATH PENALTY DEMANDED



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# DEATH PENALTY DEMANDED

The Case of Georgia against  
the Communist Party



*Published by*

THE COMMUNIST PARTY OF THE U.S.A.

## DEATH PENALTY DEMANDED

*"Your Honor, we will ask for the death penalty in these capital cases."*

The scene is in a courtroom in Atlanta, Georgia, on April 24, 1930. The voice is that of Assistant Solicitor General John Hudson of Georgia. The case under consideration is that against M. H. Powers and J. O. Carr.

"We will ask for the death penalty," declares the prosecutor. What crimes have the accused committed, the reader will ask. Here is the case.

### **The Crime of M. H. Powers and Joe Carr**

On March 9, 1930, a meeting was to take place at 158½ Auburn Avenue, Atlanta, Ga. Colored and white workers alike had been invited to the meeting. The meeting was to consider unemployment and other vital problems of the workers. M. H. Powers, an organizer of the Communist Party and Joe Carr, an organizer for the Young Communist League, were to be the speakers. These speakers intended to show how capitalism fattens on the misery of the masses. They intended to point to the tre-



## DEATH PENALTY DEMANDED

mendous unemployment of the moment to prove that the workers must fight against capitalism. They wanted to point out to the workers that under capitalism they have only wages as a means of livelihood and that capitalism is unable to provide them with a job to earn wages. The speakers intended to call upon the workers to organize and to fight for immediate and adequate unemployment insurance, to be paid out of the proceeds of a levy on capital and a tax on profits. They wanted to win the workers for the demand to the capitalists: *Work or Wages!* But the meeting never took place; the scheduled speeches were never made. The Atlanta police raided the meeting; they threw a tear gas bomb into the audience; they arrested Powers and Carr before they had even made an attempt at speaking. The police charged Powers and Carr with "disorderly conduct," later they changed the charge to "unlawful assemblage"; they changed it again to "throwing tear gas bombs"; and, finally, the Grand Jury charged the arrested with "*inciting to insurrection.*"

These are the "*capital cases*" for which Assistant Solicitor General Hudson solemnly demands the *death penalty*.

Since the Atlanta prosecutor made his demand for the penalty of death against Carr and Powers, the Grand Jury of Fulton County, Ga.,

has returned identical indictments against four more workers:

Mary Dalton, District Organizer, National Textile Workers Union,

Anna Burlack, District Organizer, International Labor Defense,

Henry Storey, Atlanta worker, and

Gilmer Brady (H. Newton), Field Organizer, American Negro Labor Congress.

These workers were arrested for attempting to hold a meeting in Atlanta, Ga. The capitalist masters have decided that a workers' meeting in Georgia is a crime punishable with death.

### **This Is Capitalist Justice**

You who read this, you have not, like the Connecticut Yankee in King Arthur's Court, transmigrated back a few centuries. You are not hearing a charge of the Spanish Inquisition against an heretic. You are living right here in the United States of America; and this is not the 15th but the 20th century. What is more, you are not witnessing anything extraordinary in the case against M. H. Powers and J. O. Carr. You are merely meeting with undisguised capitalist justice.

This justice has murdered Sacco and Vanzetti and has glorified their murderers as

## DEATH PENALTY DEMANDED

7

judges and governors. This justice keeps Mooney and Billings behind prison walls although their innocence is a matter of public record. This justice glorified the murderous shooting in the back of Steve Katovis on the picket line by M. Kiritz, a New York Policeman, while it sent William Z. Foster, Robert Minor, Israel Amter and Harry Raymond, a committee of New York unemployed workers, to the penitentiary for three years. This justice called the biggest thieves of the nation, the Daugherties and Falls, into the President's Cabinet, while it sends a group of young girls to the California penitentiary for ten years for conducting a workers' childrens' camp under a red flag.

This justice convicted for murder a group of workers who, in Gastonia, on June 7th, 1929, had defended a camp of striking textile workers and their families against the attacks of a band of drunken policemen. This justice makes any attempt of workers to organize a capital offense. This justice adjudges murderers of workers innocent, as in the case of Kiritz, and it adjudges innocent workers murderers—as in the case of Gastonia.

This capitalist justice is very graphically characterized by the law upon which is based the indictment against Powers and Carr. This law was passed originally in the days of slavery,

in the year 1859. It defined insurrection as "resistance to lawful authority of *master or State*." It provided the penalty of death for such "insurrection" or incitation to it. The law against what it calls insurrection was directed against "*slaves, Negroes or free persons of color*." The law against inciting to insurrection was directed against any anti-slavery propaganda. The law served the purpose of keeping the slaves in subjection. The law of the *State* was the greatest power of the *masters*. *Disobedience to the master became insurrection to the masters' State*.

### Thou Shalt Not Oppose the Masters

The principle laid down in this law is the principle of unconditional subjection of the ruled classes to the ruling class. The ruling class of Georgia officially recognized this. That is why, in 1866, in the post-slavery days it decided to continue the law on the statute books. It merely modernized it. It took out the words "master" and "slaves." It recognized officially the abolition of chattel slavery, at the same time recognizing wage slavery. It changed the application of the law from the chattel slave to the wage slave. This changed application made the color line in the law obsolete; that is why the words "Negroes and persons of color" were



## DEATH PENALTY DEMANDED

also eliminated from the law. The abolition of chattel slavery did not interfere with the continued identity of master and State. The ruling powers of Georgia could therefore well afford to drop the word "master" from the law. This change gave the law a more democratic appearance; and yet it changed nothing materially; the masters of the slavery days remained the masters in the after days. These masters not only made the law, but they also maintained the power to execute it. They would see to it that disobedience to the master would continue to be treated as insurrection to the State.

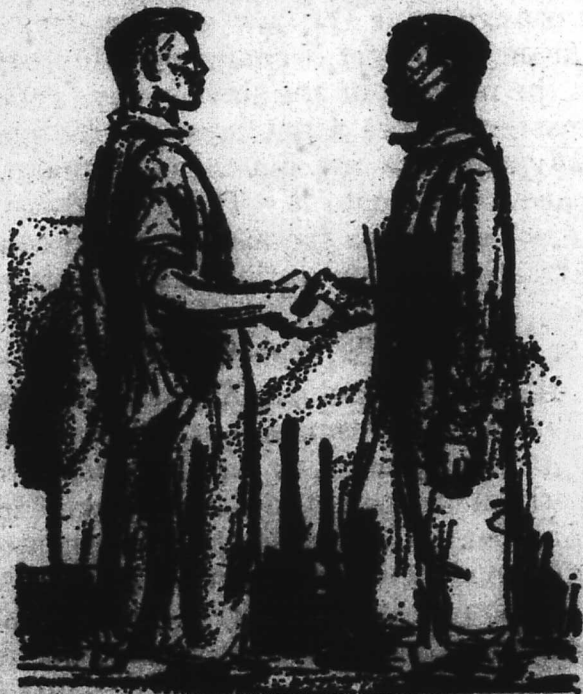
### Negro Masses Are Enslaved

M. H. Powers and J. O. Carr are charged with "inciting to insurrection." This charge is based primarily upon a leaflet which invited the workers of Atlanta to the meeting of March 9th. This leaflet, in the eyes of the masters of Georgia, evidences its insurrectionary purpose in a cartoon at its head. This cartoon shows a black and a white worker shaking hands.

For decades the masters of the South have kept the workers in unspeakable misery through the most reactionary fiction of a color line. This fiction has become the curse of the millions of colored workers in the South. It has robbed them of their political and social rights. It has



# AN APPEAL TO SOUTHERN YOUNG WORKERS



*The cover of the leaflet issued by the Young Communist League, on the basis of which the Southern rulers place their charge of "insurrection," because it shows a Negro and a white boy shaking hands.*

hounded them off the sidewalks. It has segregated them into the most filthy hovels that their capitalist masters could pass off as means of human habitation. It has made their wives and daughters the fair game of any beastly desire of the male species of the master class. It has sacrificed thousands upon thousands of Negroes, men, women and children, to the bestial murder expeditions of lynching parties of Southern gentlemen.

### Down with the Color Line

At the same time, this fiction has erected an imaginary barrier between the masses of white and Negro workers. This barrier is the weakness of the American working masses, not only in the South, but in the whole United States. This barrier is the strength of the capitalist masters of America. This barrier makes it possible that the wages of the wage slaves in the South are from one-fourth to one-half lower than those of the workers in the same industries in the North. To tear down this barrier is to unite the workers in the South. To unite the workers in the South means to endanger for the masters of the South their paradise of exploitation, their system of miserable wages, their system of starving farm tenantry and share cropping.

It is no wonder, therefore, that the authorities of the state of Georgia, speaking in the name of the ruling class, declare that the very picture of a fraternization of a black with a white worker is inciting to insurrection. When the Communist Party raises the slogan of workers' solidarity irrespective of race, sex or color, it provokes an echo from the ruling class. Just now this echo reaches us in the voice of Assistant Solicitor General Hudson of Georgia and in the phrase: "*Your Honor, we will ask for the death penalty in these capital cases.*"

### Unity of White and Black Workers Imperative

The law under which J. O. Carr and M. H. Powers are indicted has been dormant since the Reconstruction days. The masters evidently did not need it. With the help of the terrorism of the Ku Klux Klan in the carpet-bag days and the religious and racial prejudices maintained after these days, the masters of the South navigated their slave ship of exploitation without great danger. But now a change is taking place. Large scale industry is penetrating into the South. The "poor white trash" turns into the modern proletariat, into factory workers. The colored and the white workers find themselves side by side in the mills and mines of the South. The fetish of the color line threat-

ens to dissolve in the heat of common grievances of black and white workers against the boss. The prejudice which separated the white mountaineer of yesterday from the black worker turns today into the recognition of a common misery as he slaves side by side with the black workers in the profit mills of their common exploiter. The penetration of industry into the South is therefore undermining the bleak structure of racial and religious prejudices in which the Southern masters have so long incarcerated the minds of their slaves.

### **Masters Feel Profits Endangered**

This change takes place precisely at the moment when the masters see the possibility of the most profuse harvest from exploitation. The treadmills of modern industry, imported into the South with its cheap labor raise before the eyes of the masters a perspective of golden profit. Into this dream sound the rumblings of growing dissatisfaction of the workers, of fraternization between black and white workers, of industrial unionism, of strikes. Now the masters remember their law of 1859 and 1866. With this law they hope to counteract the effects of the industrialization of the South. While this industrialization tends to consolidate the working class, the bosses invoke the law of



1859 and 1866 to keep them divided. While the industrialization of the South tends to make the workers, black and white, class conscious, the bosses of the South invoke the law of 1859 and 1866 to keep them race conscious. While the industrialization of the South tends to unify the workers, black and white, for common struggle against their tormentors, the bosses of the South invoke the laws of 1859 and 1866 to keep them divided, to have them fight among themselves so that the capitalists may continue to rob them, undisturbed. That is why the picture of a white worker and a black worker shaking hands is treated by the powers of the State of Georgia as an incitation to insurrection. But the hard economic facts of the industrialization of the South will in the long run defeat the purposes of the law of 1859 and 1866 no matter how ruthless this law will claim its victims.

### **Most Miserable Working Conditions**

The conditions under which the workers in the South, white and black, have to slave are well nigh unendurable. A publication of the Committee of Manufacturers of the United States Senate of May, 1929 shows that, for instance, in a factory employing 1100 workers in North Carolina nearly 70% earn \$15 and less a week, 20% earn a maximum of \$12 but as



little as \$8 per week. In the same factory and according to the same authority children are working at the age of 10, 11 and 12 years. The towns are owned by the company; the houses are rented to the workers at exorbitant rentals, ranging from \$27.50 to \$37.50 a month. The boss in his capacity as the landlord of the worker forbids his taking in of boarders. By this method he forces father, mother and children to work in his factory so they may be able to pay the rent and have a roof over their heads. And every cent the boss allows them for wages he takes from them again in form of payment for necessities bought in the company stores and in the form of rentals paid in the company houses. Even the sickness and frequent accidents of the workers are turned into an additional source of income by the benevolent manufacturer. He deducts from the workers' pay without the workers' consent a monthly fee of \$1.20 into an insurance fund. The workers who maintain the fund out of their wages have no control over it and do not receive any accounting for it. This insurance fund in the hand of the bosses turns into an additional instrument of exploitation against the worker and an additional source of profit for the boss. Under these conditions the standards of living of these workers is really a standard of starving. A

witness before the Committee on Manufactures of the U. S. Senate, on May 9, 1929, testified that bread, beans and potatoes is about all the workers can afford to buy. In order to prevent the workers from indulging too much in eating, the bosses prohibit any eating during working hours in a six hour continuous stretch of work on Saturday. A dry breadcrumb may fall on the fabric on the loom and may spoil it. And a spoiled yard of fabric outweighs in importance a thousand starving workers.

### **The Bosses Promise Pie in the Sky**

The bosses in the South are not very solicitous about the welfare of the workers at present on this earth; but they are the more eager to solicit for them a bright future in the sky. The president of a Southern textile company, the Brandon Corporation, appearing before the Committee on Manufactures on May 20, 1929, proudly declared: "We pay the preachers, we build the churches, we furnish the Sunday school teachers for the workers." Humanitarian masters indeed are these bosses! While they slowly starve their workers to death they benevolently keep awake in them the hope of a bright hereafter. While they expedite their workers by slow starvation into the nothingness of death, they pay for the fakers who paint for

## DEATH PENALTY DEMANDED

the victims this nothingness in bright colors.

From State to State throughout the South these miserable working conditions exist. The wages of the slaves of today in Alabama, the Carolinas, Virginia, Georgia, etc., vary between \$9 and \$12 per week. The average of the black worker is below, the average of the white worker slightly above these figures. These conditions mean permanent misery for the masses. These conditions knock daily and hourly with ever greater persistency at the door of working class consciousness of these slaves, black and white. These conditions tell the working masses in the most convincing language of the need of united action of white and black workers against the common enemy, the boss. These conditions gradually replace in the minds of the working masses the bosses' slogans of religion and race with the proletarian slogans of working class solidarity and organization.

### The Communist Party Leads the Workers

The Communist Party hastens this change. The Communist organizers in the South consciously voice the still unconscious change in the minds of the working masses. Through the Communist urge for the building of industrial unions, the change in the working masses of the South becomes a conscious force that will

put an end to these conditions. Through the political guidance of the working masses by the Communist Party there develops power that will put an end to the rule of the master class, that will put an end to laws of this class, may they date from 1859 and 1866, or from 1930. That is why the work of the Communist organizers in the South provokes from the mouth of Assistant Solicitor General Hudson of Georgia the echo: *"Your Honor, we will ask for the death penalty in these capital cases."*

### Capitalists Are Images of God

The main claim of the Southern gentlemen to an especial brand of chivalry is the bestiality which they display in their frequent lynching expeditions. The method with which they prove the superiority of their race is by murdering innocent and defenseless Negro men and women. In a lynching mob, the individual cowardice of every gentlemanly scoundrel is transformed into collective ferocity which only blood can appease.

These Southern gentlemen are very particular about their honor. They are so particular indeed that only a short while ago, to the mirth of the whole world, they established by court action that they are in no way related to monkeys. Oh, no, they are the direct creations of



God himself. He made these Southern gentlemen in his own image. And they still act it. Since the biblical god never felt more happy than when he smelled the burning flesh of his enemies, god's images, the Southern gentlemen never feel more happy than when they smell the burning flesh of a lynching victim. They are the image of god indeed, these gentlemen; the images of the god of rape, of the god of murder, of the god of beastliness, of the god of profit-making to whose service everything is subordinated, land, resources, and the very life and happiness of the masses.

### **Lynch Law Is Capitalist Law**

Lynching is another side of the many sided capitalist justice. Only the other day the governor of Texas forbade shooting in the protection of an innocent Negro who was attacked by a gang of murderous Southern gentlemen in Sherman, Texas. Needless to say, the Negro was murdered. A few days before that, a capitalist Grand Jury in the Bronx, N. Y. exonerated a policeman from the charge of murder although he had shot a defenseless, innocent man in the back, murdering him cold bloodedly for the crime of picketing a shop against the orders of a capitalist judge.

Prudish preachers, preaching their doctrine



of total depravity, denouncing things scientific and educational or even only amusing, help to spread the lie that lynchings protect white women instead of boss class interests and profits.

The white bosses and their agents accuse the Negroes of being lazy and "no 'count" but the Negroes' reply, "Ain't It Hard To Be a Nigger." This "Ain't It Hard To Be a Nigger" has more of working class history, experience and truth behind it than all volumes of parasitic propaganda ever will have:

Ain't it hard, aint it hard  
Ain't it hard to be a nigger, nigger, nigger?  
Ain't it hard, ain't it hard?  
For you can't get yo money when it's due.

Well, it make's no difference,  
How you make out, yo' time;  
White man sho', bring a  
Nigger out behin'!

If you work all the week,  
And work all the time,  
White man, sho' to bring a  
Nigger out behin'!

The following lynching reported by Walter White in "Rope and Faggot" is a powerful illustration of the preceding Negro song.

**Brutal Murderers Are These Gentlemen**

"An unscrupulous farmer in South Georgia refused to pay a Negro hand wages due him. A few days later the farmer was shot and killed. Not finding the Negro suspected of the murder, mobs began to kill every Negro who could even remotely be connected with the victim and the alleged slayer. One of these was a man named Hayes Turner, whose offense was that he knew the alleged slayer. . . . To Turner's wife within one month of accouchement was brought the news of her husband's death. She cried out in her sorrow, pouring maledictions upon the heads of those who had thrust widowhood upon her so abruptly and cruelly.

"Word of her threat to swear out warrants for the arrest of her husband's murders came to them. "We'll teach the damn nigger wench some sense," was their answer as they began to seek her. . . . Securely they bound her ankles together and, by them, hanged her to a tree. Gasoline and motor oil were thrown upon her dangling clothes; a match wrapped her in sudden flames. Mocking, ribald laughter from her tormentors answered the helpless woman's screams of pain and terror. . . .

"The clothes burned from her crisply toasted body, in which life unfortunately still lingered, as a man stepped toward the woman and, with

his knife, ripped open the abdomen in a crude Caesarean operation. Out tumbled the prematurely born child. Two feeble cries it gave—and received for answer the heel of a stalwart man, as life was ground out of the tiny form."

Here is Southern chivalry in its full glory. Here is American capitalism in its unveiled beauty.

### **Southern Gentlemen Pay Wages with Murder**

Countless lynchings can be traced directly to the insistence of the victim to get wages paid due him. The insistent demand of a black worker for wages due becomes an insult and a threat to the white boss. So the white boss pays the wages he owes with a lynching party against "his man." In the recent lynching outrage in Sherman, Texas, the victim, George Hughes, had been charged with rape. Later it turned out that his real crime had been to demand from his boss three weeks wages due him. Other lynchings are based on attempts of the victims to organize the exploited of the South. The more industrialization penetrates the South, the clearer is the race lynching revealed as a class lynching. This is also emphasized by frequent threats of lynching and by actual lynchings against white organizers of the workers.

Lynching is one of the methods by which the capitalist masters of the South hope to maintain the capitalist fiction of the color line. It is one of the methods by which the bosses hope to maintain the imaginary barrier between the masses of black and white workers. Any ram-batting against this barrier becomes an element of unity of the workers. The unity of the working class, black and white, is the beginning of the end of the rule of the exploiting and lynching masters of today. That is why a picture of a black and white worker hand in hand elicits from the assistant Solicitor General Hudson of Georgia the announcement: "*Your Honor, we will ask for the death penalty in these capital cases.*"

### Most Christian Torturers

Aside from lynching the Southern capitalists have another institution that fits their godlike sense of justice and helps them keep their slaves in subjection. This institution is the chain-gang. The chain-gang is an invention of the immediate post-slavery days. It re-established slavery for road-building and similar public work. Instead of buying the slaves for this work, the government of the Southern gentlemen hit upon the idea of manufacturing them in the mills of their capitalist justice.



Service on the chain-gang is the nearest thing to imaginary hell; only worse. Even the capitalist "Baltimore Sun" had to admit that "whippings and beatings with buggy traces and heavy hickory sticks" are the order of the day on the chain-gang. The Raleigh "News and Observer" spoke of "stories of brutality and savagery that sicken." The workers on the chain gang are kept in barred cars on wheels. They resemble cages. They are 18 feet long, 7 feet wide and 8 high and this is room for sleeping for 18 men. The prisoners are locked in this cage Saturday afternoons, Sundays and in bad weather when they can not work on the road.

When a worker is unemployed he is picked up and sentenced to the chain gang for "vagrancy." When a worker talks of industrial union organization he is arrested and sentenced to the chain gang for "disorderly conduct." Sentences to the chain gang range from 15 days to ten years. The prisoners are hobbled together with chains. Shackles, double shackles and spikes are applied as additional punishment. The unsanitary conditions in the prison camps are beyond description. And the chivalry of the South has promoted Simon Legree to the position of chain gang boss.





*The Law of Bondage*

### **Flogged to Death**

In 1926 a chan gang boss in Stanley County, N. C., killed two Negroes on the gang. This boss, N. C. Crawford, was acquitted on testimony of two doctors who said the Negroes died of sunstroke, although even one capitalist newspaper observed "If one half of the testimony adduced against Crawford is true, there is no punishment that fits his crime." These doctors were Southern images of god. They and their like never serve on a chain gang. Though every inch a scoundrel, they belong to the master class. The chain gang is only for the slaves—black and white. Needless to say, the black are the heaviest victims. They make up two thirds of the chain gangs. They make up the bulk of the long term victims. They are the most helpless objects of the brutalities and cruelties which only the unadulterated images of Jehovah in the United States can design.

### **Unemployment Is a Crime**

We will let a recent victim of the godly institution of the chain gang, an unemployed white worker, describe his experiences:

"I got on a freight train at Petersburg and was so tired and hungry that I fell fast asleep. When I woke up two big railroad detectives were yanking me from a box car and

one of them held a pistol at my head. They threatened to shoot me if I tried to run. The next morning, after I had spent a night in a hogpen of a jail, they hauled me before a magistrate and he sentenced me to ninety days on the chain gang. When the judge said that I couldn't help but cry. I told them I was only 16, but all the judge said was: "Then you had no business hoboing on a train."

"The three months I spent on the chain gang was just a hell on earth. I don't want to remember it. Night after night I cried myself to sleep in a big iron cage crowded with victims, some of them murderers, and lots of them just eaten up with disease. Some of the convicts would pat me on the back and try to cheer me up, but the guards would curse me and tell me to shut up.

"Corn bread and peas and corn bread and molasses was all we ever got to eat. We worked from daylight until it got too dark to work at night. They made us take a bath once a week and 20 or 30 men had to wash in the same tub of water. That's the way I got all these sores on me. God knows what kind of disease I've got. I haven't any money to go to a doctor to find out. All that I want to live for is to get well, and some day go back and get even with that judge and those guards."

### **This Is Capitalism**

**This is unadulterated American capitalism. It is the capitalism that grinds profit out of the misery of the masses. It is the capitalism that coins the childhood of workers' children into profit. It is the capitalism that sets up a machinery of its justice to get cheap slaves and to keep slaves in subjection. It is dominated by and serves a class of murderous lynchers. And because the Communists tell the workers: Organize and fight against this system, organize and fight to make an end to the rule of this profit-coining class, therefore, Assistant Solicitor General Hudson of Georgia pronounced his fatal words in the case against M. H. Powers and J. O. Carr; *"Your Honor, we demand the penalty of death in these capital cases."***

**The system of the South is the system of capitalism. The system of capitalism is the system of the United States. The ruling class of the South is the ruling class of the United States. The remedy for the grievances of the Southern workers is the remedy for the grievances of the workers of the United States.**

### **Organize for Struggle**

**The only answer that the working class of the United States can give, the answer it *must***

give to the masters of Georgia and to their mouthpiece, Assistant Solicitor General Hudson is, ORGANIZE! Organize for struggle against the conditions imposed by the masters. Organize into fighting industrial unions. Fight for the seven hour day, five day week; fight against the stretch-out systems; fight for unemployment insurance. A program of struggle for the working class against the capitalist class is the need of the hour. The Communist Party has this program. On this program the Communist Party asks the workers' support of its activities. On this program the Communist Party asks the workers to rally in the election campaign.

### **The Communist Party Pleads Guilty of Organizing and Leading the Workers in Struggle**

The Communist Party proudly pleads guilty to one crime with which the masters of Georgia charge it in the case against M. H. Powers and J. O. Carr. We reproduce this indictment as a certificate of revolutionary health of our Party.

"In the name and behalf of the citizens of Georgia, charge and accuse JOE CARR AND M. H. POWERS with the offense of:

Circulating Insurrectionary Papers. . . .  
on the 9th day of March, 1930 . . . to wit:



*"The program of the Communist Party includes the organization of the working class in every phase of life. It leads the struggles of the workers, from the simple every-day demands clear up to the final struggle for the overthrow of capitalism and the establishment of a workers' government — the proletarian dictatorship."*

**"Against Bosses' Wars! Defend the Soviet Union!..."**

### **Help the Communist Party Free These Victims of Capitalism**

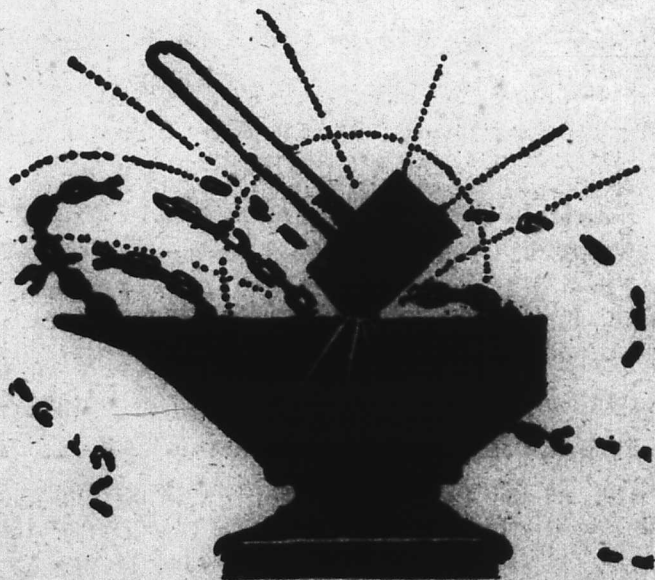
Yes, the Communist Party pleads guilty to the charge that it endeavors to organize the workers for struggle for their everyday demands. It pleads guilty to the charge of aiming to defeat and to overthrow the rule of the capitalist class. Proud of this guilt, the Communist Party asks the workers of the United States to protest most vigorously against the intended legal lynching of Carr, Powers, Dalton, Storey, Brady, (Newton) and Burlack, by the State of Georgia. Proud of this guilt, the Communist Party calls upon the workers of the United States to add their voice to its own in a mighty and imperative demand for the release of Powers and all of his co-defendants

## DEATH PENALTY DEMANDED

and for the repeal of the enslaving law under which they are indicted.

Proud of this guilt, the Communist Party calls upon the workers of the United States, black and white, to unite on its program.

*You have nothing to lose but your chains!*



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